MINUTES OF THE PRIVATE PROTECTIVE SERVICES BOARD MEETING JUNE 22, 2007

HOLIDAY INN - BROWNSTONE 1707 HILLSBOROUGH STREET RALEIGH, NC 27605

BOARD MEMBERS PRESENT

BOARD MEMBERS ABSENT

None

James Stevens Grady Conner
Carlton Miles Richard Allen
Bill Booth Brenda Bishop
Berkley Blanks Ron Burris

David Grimes Sheriff Ashe David Pendry Steve Johnson

Sheriff Jenkins

STAFF PRESENT

Terry Wright - Director Charles McDarris - Attorney
Mark Poole - Deputy Director Susan Harrison - Board Secretary
Larry Liggins - Field Services Supervisor Jennifer Mooney - Reporter

Tim Pressley - Training Officer

GUESTS PRESENT

Larry AlexanderGreg PrattLynn WilsonMack DonaldsonAudra ColemanLarry FlanneryBill DoverCharles JohnsonDavid SheltonCharles MooreBill FletcherTom RoseJeff KikerDavid SheltonNick Nicholson

David Ferrell Dorian Dehnel

Mr. Blanks called the June 21, 2007 Private Protective Services Board Meeting to order at 9:00 a.m. Mr. Blanks asked Mr. McDarris to explain Governor's Executive Order Number One. Mr. McDarris advised that Executive Order Number One has been signed by Governor Easley and addresses the ethics of public officials. This Order states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or appearance of a conflict, he or she should remove himself from deliberation and vote on that matter and so state on the record.

GOOD OF THE ORDER

Larry Flannery of the NCAPI stated that the Association held it's annual conference May 29 - 31 at the Village Inn in Clemmons, NC and he thanked Mr. Terry Wright and Mr. Berkley Blanks for attending.

APPROVAL OF THE APRIL 20, 2007 MINUTES

MOTION BY MR. MILES TO APPROVE THE MINUTES OF THE APRIL 20, 2007 MEETING. SECONDED BY MR. GRIMES. MOTION CARRIED.

APPROVAL OF THE APRIL 19, 2007 74C MEETING MINUTES

MOTION BY MR. MILES TO APPROVE THE MINUTES OF THE APRIL 19, 2007 74C MEETING. SECONDED BY MR. GRIMES. MOTION CARRIED.

LICENSING AND REGISTRATION ACTIONS

SCREENING COMMITTEE REPORT:

Mr. Allen advised that the Screening Committee met on Thursday, June 21, 2007 from 8:00 am until 12:15 pm to consider a total of 55 applications. The committee members were Mrs. Brenda Bishop, Mr. Richard Allen, Mr. Jimmy Ashe, and Mr. David Pendry The attached report was read to the Board. (See attached report)

#33 & #9 - Mr. Miles recused himself.

#9 - Mrs. Bishop recused herself.

#23 - Mr. Stevens recused himself.

MOTION BYMR. CONNER TO ACCEPT THE SCREENING COMMITTEE REPORT ON APPLICANTS. SECONDED BY MR. MILES. MOTION CARRIED.

Mr. Allen presented the following registration report for the period of April 18, 2007 - June 19,2007. Total registrations 3,902; armed totals were 667 of which 262 were new, 373 renewals, 31 reissue/dual, 1 duplicate. Unarmed totals were 3,235 which includes 1,386 new, 1,418 renewals, 183 transfers and 9 duplicates. Total denials 632 of which 29 were denied for cause and 603 which were correctable denials. There were 422 applications approved which were previously denied for a total of 1,054 denials reviewed.

MOTION BY MR. GRIMES TO ACCEPT THE REGISTRATION REPORT. SECONDED BY MR. CONNER. MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Mr. Burris reported the Grievance Committee met on Wednesday June 20, 2007 from 1:00 pm until 4:15 pm to consider a total of 7 cases. The committee members were Mr. Ron Burris, Mr. Grady Conner, Mr. David Grimes and Mr. James Stevens. The attached report was read to the Board. (See attached report)

2007-PPS-007 - Mr. Conner recused himself.

2007-PPS-020 - Mr. Allen and Mr. Jenkins recused themselves.

MOTION BY MR. GRIMES TO ACCEPT THE GRIEVANCE COMMITTEE REPORT. SECONDED BY MR. STEVENS. MOTION CARRIED.

2007-PPS-007 - Mr. Conner recused himself from motion.

2007-PPS-020 - Mr. Allen and Mr. Jenkins recused themselves from motion.

FINAL AGENCY DECISION:

2007-DOJ-0011 - David Shelton vs. PPS Board. Mr. McDarris presented the case to the PPS Board. Attorney Charles Younce addressed the Board on behalf of his client Mr. Shelton.

MOTION BY MR. GRIMES TO ACCEPT THE ADMINISTRATIVE LAW JUDGES DECISION TO REVERSE THE INITIAL DECISION TO DENY. SECONDED BY MR. BOOTH.

Mr. Miles and Mr. Burris expressed concerns and the Board went in to closed session pursuant to G.S. 143-318.18(6).

Closed session 10:50am.

The Motion on the table did not pass.

MOTION BY MR. BURRIS AS FOLLOWS: AFTER REVIEWING THE CUMULATIVE RECORD, THE BOARD BELIEVES THE EVIDENCE LACKS SUFFICIENT CREDIBILITY TO VERIFY THE SUFFICIENT NUMBER OF HOURS TO MEET THE QUALIFICATIONS AND THAT THE DENIAL STAND. SECONDED BYMR. STEVENS. MOTION CARRIED UNANIMOUSLY.

2007-DOJ-0036 - Larry Talbert vs. PPS Board. McDarris presented the case to the PPS Board.

MOTION BYMR. MILES TO ACCEPT THE ADMINISTRATIVE LAW JUDGES DECISION TO DENY. SECONDED BY MR. PENDRY. MOTION CARRIED. UNANIMOUS

TRAINING AND EDUCATION:

Mr. Tim Pressley announced that there are two Unarmed Guard Trainer Courses scheduled for July 26, 27, 28, and 30 2007 at Gaston College, August 16, 17, 18 and 20, 2007 at WTCC. A Firearms Training

Course scheduled for October 1-5, 2007 at the North Carolina Justice Academy (NCJA). A Firearms Trainer recertification course scheduled for October 2, 2007 at the North Carolina Justice Academy (NCJA). Presently we have 433 certified PPS unarmed trainers. We currently have 108 PPS certified armed trainers and 111 PPS certified OC spray trainers.

Mr. Stevens reported that Event Staffing personnel had presented a training proposal for the committee to consider. The proposed training would require event staff personnel to complete the first four hours of the Board's unarmed training and the remaining training would be tailored to the event staff industry. The request was deferred until the August meeting.

Mr. Grimes requested that firearms trainers be allowed to combine the initial armed course with the renewal course. After a lengthy discussion Mr. Grimes agreed to present staff with an outline as to how the courses would be developed and the committee will be provided an update at the August Board meeting.

The committee also discussed the number of times an individual should be allowed to attempt to qualify at the range prior to being required to take remedial training. Mr. Johnson and Mr. Grimes will work with the staff and the proposed rule will be discussed at the August meeting.

Mr. Pressley has visited 8 firearms trainers while they were scheduled to conduct training. Four of the visits were during the qualification phase of training. Only 1 trainer had students to qualify. Two trainers ran out of time while attempting to qualify students. Some instructors were not present at the range when they were scheduled to be.

Training and Education Committee also discussed whether an applicant who is renewing their armed application would be required to take the 20 hour armed course again if they renewed late. The committee stated that if an applicant renews late, they are essentially a new applicant and consistent with the rules for a new application, the individual would be required to successfully complete the 20 hour armed course required of all new applicants.

The committee also stated that if a company was interested in utilizing out of state registered unarmed guards, the company would be required to comply with all the provisions in 74C-11(2)(e). Furthermore, the guards would be required to take the first four hours of the unarmed training and would not be required to complete this training if they were to return to the state in subsequent years.

MOTION BY MR. ALLEN TO ACCEPT THE TRAINING AND EDUCATION REPORT. SECONDED BY MR. CONNER. MOTION CARRIED

FINANCE COMMITTEE:

Ms. Bishop reported there was no report for the Finance Committee:

GRIEVANCE COMMITTEE:

Mr. Burris reported no other matters to report.

SCREENING COMMITTEE:

Mr. Allen updated the Board on the Screening Committee's review of the Affidavit process that was created last year to be used in the absence of an individual having documents to verify their experience. Staff presented a proposal to the Screening committee yesterday regarding the acceptance of Affidavits. The issue will be discussed at the August meeting with the Affidavit Sub Committee.

74C RE-WRITE COMMITTEE:

Mr. Miles would like to turn it over to Mr. McDarris to present what has taken place with 74C. Mr. McDarris stated that the Judiciary Committee with the Senate met yesterday, he attended along with several industry Representatives. It went very well and will now go to the Senate Finance Committee. We will then have to go through the House and go through the House Committee's. Hopefully in the next two weeks we will have it complete. Mr.McDarris stated that he would inform the Board with updates via email.

EVENT STAFFING COMMITTEE:

Mr. Burris informed the Board that the committee met with several industry representatives. The insert provided illustrates an attempt we have made as a group to try to identify the typical roles that event staffing would be performing. We have tried to break them down into a more defined outline of what would fall into 74C and what wouldn't. The things we came up with that did NOT relate to 74C were: Parking Direction and Control, Ushers (seating area), Hospitality (VIP areas), Ticket Takers. The areas that came up with that DID relate to 74C were: Searchers /Bag Checkers, Dressing Rooms/Locker Rooms, Security Patrols, Barricade and Field Positions. The Sub Committee will meet prior to the August Board meeting and report back to the Board at the August meeting.

MOTION BYMR. MILES TO APPROVE. SECONDED BYMR. ASHE. MOTION CARRIED

Break 10:30 - 10:45

OLD BUSINESS:

Mr. Wright informed the Board that the ID system has been awarded to Smith Addressing. The system should be delivered in the next two weeks. Smith Addressing has 30 days upon awarding of the contract to deliver the system, so we are about two weeks out. Once we receive the system, the staff will have to be trained and input data into the system in order to print the cards. I am anticipating somewhere around August 1 - 15 we may be operational.

Mr. Blanks asked about the vacancies. Mr. Wright responded that we only have one vacancy at this time, a Processing Assistant IV position.

Larry Alexander requested an update on the email presented at the last Board meeting that had been made to look as if it had came from NCASP.

Mr. McDarris stated that we issued and delivered the subpoena about a month ago and they initially refused to comply with the subpoena until they understood that the PPS Board was a State Agency. Once they were made aware of GS 74C and understood who we were, they asked us to reissue the subpoena and that they would comply with it. It's been served and we should have something by next meeting.

NEW BUSINESS:

Mr. Wright would like to set the 2008 Board Meetings. February 20 - 22, 2008 Raleigh
April 16 - 18, 2008 Sea Trail - Sunset Beach
June 11-13, 2008 Raleigh
August 13 - 15, 2008 Asheville
October 15 - 17, 2008 Raleigh
December 10 - 12, 2008 Raleigh

MOTION BYMR. CONNER TO ACCEPT THE 2008 MEETING SCHEDULE. SECONDED BY MR. MILES. MOTION CARRIED

Mr. Allen complimented PPS and staff for the memo that was sent to all PPS licensees in May.

Mr. Blanks addressed the new issues with Forensics Business and how the rule needs to be updated to be more up to date with the computer industry and to include some of the Forensics Business that is taking place now. We need to pass a resolution of some sort to handle this issue.

Mr. Booth stated that they have computer forensics specialist in his industry that required a license and it is his understanding that computer forensics is a two step process. One is acquisitions which is removing the information, and step two is analyzing, which is pulling the information and searching it.

After a lengthy discussion, Mr. Blanks asked Mr. Poole to check with Raleigh PD reference their computer forensics process and Ms. Bishop to check with her Greensboro PD and Mr. Booth to check with his people on their interpretation on computer forensics. Mr. Blanks stated that he'd like for Mr. Poole, Ms. Bishop and Mr. Booth to take on obtaining the information requested as a Special Committee and report back at the next meeting.

Mr. Burris stated that he recently attended a seminar and one individual was presenting a topic on computer forensics. Mr. Burris asked the presenter was the activity regulated and he stated no, and it never will be.

Mr. Booth requested that the resolution that Mr. McDarris presented during the discussion be adopted without the last two paragraphs.

MOTION BYMR. BOOTH TO VOTE ON THE RESOLUTION AND AS A PART OF THIS THAT ALL THE LICENSED PRIVATE INVESTIGATORS IN THE STATE BE NOTIFIED IF THE RESOLUTION PASSES OF THE BOARD'S ACTION. SECONDED BY BURRIS. Miles calls for discussion.

Mr. Flannery would like to have a representative provide information on this topic as well.

Mr. Blanks appointed Mr. Booth as Chair for this Special Committee and he is to be contacted within 10 days if anyone from the industry wishes to be represented on the committee.

MOTION BY MR. BOOTH TO ACCEPT THE RESOLUTION AS WRITTEN WITH THE GRAMMATICAL ERRORS CORRECTED AS NOTED. SECONDED BY BURRIS. MOTION CARRIED.

DIRECTOR'S REPORT

Mr. Wright reported that the operating budget as of 05/1/07 was \$316,837.12 and the PPS Recovery Fund balance as of 07/01/07 is \$69,909.82. Total active registrants and licensees are 21,129. Mr. Wright advised that correspondences printed since last Board meeting is 8,164 also includes 4,987 registration cards, and 469 licenses. Mr. Wright also reported that the total number of applications received since last Board meeting including both registration and licensing were 5,279.

Mr. Wright advised that he had spoken to Ms. Peg Doer the Director of the NC Conference of DA's regarding prosecuting unlicensed activity. The next annual conference is October 24-26, 2007. Mr. McDarris and myself are on that agenda to discuss the concerns of the Board and the industry as it relates to unlicensed activity.

MOTION BYMR. ALLEN TO ACCEPT THE DIRECTOR'S REPORT. SECONDED BYMR. BOOTH. MOTION CARRIED.

ATTORNEY'S REPORT

Mr. McDarris presented the following report:

CONSENT AGREEMENTS & CIVIL PENALTIES:

John McCracken of Day & Zimmerman- Consent Agreement for self reporting registration violations for three years in the amount of \$12,076.80 has been paid.

James Berry of Blackhawk. - Settlement Agreement of \$9,302.40 has been paid.

US Security Associates - two Consent Agreements were issued. One to Licensee Geldon Harper in the amount of \$1,224.00 and the other to Licensee Archie Bryant for 408.00. I will report back at the next meeting.

Craig A. Michalski, Nation Wide Security, Inc. - Consent Agreement for \$4,692.00 has been issued. I will report back at the next meeting.

OFFICE OF ADMINISTRATIVE HEARINGS & SUPERIOR COURT:

Mr. McDarris reported we have a number of cases scheduled as indicated on attachment number one.

RULES

Mr. McDarris presented the rules for adoption:

12 NCAC 7D .0901, .0909 - Rule places a two year expiration on an unarmed trainer certification and on a firearms trainer certification.

MOTION BY MR. CONNER TO ADOPT 12 NCAC 7D .0901, .0909. SECONDED BY MR. BURRIS. MOTION CARRIED.

12 NCAC 7D .0911 - Acknowledges two year certification and requires certification of sixteen hours of instruction during the past two years (prior rule required eight hours per year).

MOTION BY MR. BURRIS TO ADOPT 12 NCAC 7D .0911. SECONDED BY MR. CONNER. MOTION CARRIED.

12 NCAC 7D .0203(b) an amendment regarding the re-issuance of an expired license.

MOTION BY MR. BURRIS TO ADOPT 12 NCAC 7D .0203(b). SECONDED BY MR. CONNER.

Called for Discussion Mr. Allen

MOTION CARRIED.

12 NCAC 7D .0601 an amendment to the PSE licensing requirements was filed with the Office of Administrative Hearings. The rule has been properly noticed and is before the Board for adoption.

MOTION BY MR. BURRIS TO ADOPT 12 NCAC 7D .0601. SECONDED BY MR. CONNER. MOTION CARRIED.

12 NCAC 7D .1109 required video training. The Board voted to repeal the rule and it has been filed and will report back at the next meeting.

12 NCAC 7D .0801 rule to require an armed guard be at least 21 years of age. The rule has been filed and will report back at the next meeting.

New ID System will require an amendment to the 1x1 photo requirement. Staff requests that the process begin to amend the rule to allow digital photographs.

MOTION BY MR. MILES TO DRAFT A RULE REQUIRING DIGITAL PHOTOGRAPHS. SECONDED BY MR. BOOTH.

12 NCAC 7D .0908 now reads with an error stating not less than 20 days after completion and should read within 20 days of completion. Request for an emergency rule to change this rule immediately.

MOTION BY MR. CONNER FOR AN EMERGENCY AND A PERMANENT RULE CHANGE TO 12 NCAC 7D .0908. SECONDED BY MR. BURRIS. MOTION CARRIED.

Mr. McDarris stated that Senate Bill S1120 which is the Company Police Bill has not progressed in the General Assembly and does not appear that the bill will pass.

Mr. McDarris also stated that Padgett v. PPS has had mediation on this matter, the mediation went no where. It is still in the discovery process, so nothing to report as of now.

Mr. McDarris presented his contracts to the Board.

MOTION BY MR. BURRIS TO ACCEPT THE ATTORNEY'S CONTRACT. SECONDED BY MR. MILES. MOTION CARRIED.

Mr. McDarris stated that last years contract had an error in the maximum amount. Mr.McDarris requested a motion to change last years signed contract to amend the maximum.

MOTION BY MR. CONNER TO AMEND THE MAXIMUM AMOUNT OF LAST YEARS CONTRACT. SECONDED BY MR. BURRIS. MOTION CARRIED

MOTION BY MR. ALLEN TO APPROVE ATTORNEY'S REPORT. SECONDED BY MR. BURRIS. MOTION CARRIED.

MOTION BY MR. CONNOR TO ADJOURN. CARRIED.	. SECONDED BY MR. BURRIS. MOTION
11:50	
	Terry Wright
	Director
	Jennifer P. Mooney

Reporter